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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00445 HRL
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME UNDER
v.)	THE SPEEDY TRIAL ACT
)	
ROBERT WAYNE MCMARTIN,)	
a/k/a Charles Bernie Kaiser,)	
)	SAN JOSE VENUE
Defendant.)	

On July 17, 2008, the undersigned parties appeared before the Court for an arraignment. Bernard J. Vogel Jr., Esq., appeared on behalf of the defendant. The parties then requested that a status hearing be scheduled for August 11, 2008, in order to afford Mr. Vogel an opportunity to review the case and consult with the defendant about a possible disposition.

1 The defendant, through Mr. Vogel, agreed to waive time under the Speedy Trial Act from July
2 17, 2008 to August 11, 2008. The parties agree and stipulate that an exclusion of time is
3 appropriate based on the defendant's need for effective preparation of counsel.

4
5 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

6 DATED: 7/30/08

7 /s/
SUSAN KNIGHT
Assistant United States Attorney

8
9 DATED: 7/30/08

10 /s/
BERNARD J. VOGEL, JR.
Counsel for Mr. McMartin a/k/a Kaiser

11
12 Accordingly, the Court HEREBY ORDERS that a status hearing is set for August 11,
13 2008 at 9:30 a.m. For good cause shown, the Court FURTHER ORDERS that time be
14 excluded under the Speedy Trial Act from July 17, 2008 through August 11, 2008. The Court
15 finds, based on the aforementioned reasons, that the ends of justice served by granting the
16 requested continuance outweigh the best interest of the public and the defendant in a speedy
17 trial. The failure to grant the requested continuance would deny defense counsel reasonable
18 time necessary for effective preparation, taking into account the exercise of due diligence, and
19 would result in a miscarriage of justice. The Court therefore concludes that this exclusion of
20 time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22
23 DATED: _____

24 HOWARD R. LLOYD
United States Magistrate Judge